



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/485,017      04/06/00      NAKAO

Y      65296

023872  
MCGLEW & TUTTLE, PC  
SCARBOROUGH STATION  
SCARBOROUGH NY 10510

MMC2/0925

EXAMINER

DICKENS, C

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

09/25/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

Office Action Summary

Application No.

09/485,017

Applicant(s)

NAKO et al

Examiner

DICKENS

Group Art Unit

2855

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4-6-00
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2855

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It can not be determined where the preamble ends and the body of the claims begins, in claims 1 and 9, because of the use of two transitional phrases (see lines 1 and 7).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa et al. Hasegawa et al. teaches a coriolis mass flow meter 1 comprising two parallel curved flow

Art Unit: 2855

tubes (2a,2b), an inlet-side manifold branching from an inlet 3 of a fluid being measured to said two flow tubes, an outlet 4 side manifold for joining fluid flows flowing in said two flow tubes to discharge from a fluid outlet, a drive unit 6 for causing any one of said flow tubes to resonate with the other flow tube in an opposite phase with each other (6A-7D), and a pair of vibration sensors (7,8), disposed at symmetrical positions with respect to the mounting position of said drive unit, for sensing a phase difference proportional to coriolis force (Abstract), characterized in that a meter body holds connecting ports at both ends and the entire flow meter, and said meter body is mechanically connected to said inlet-side and outlet side manifolds only at the inlet side of said inlet side manifold and at the at the outlet side of said outlet side manifold, respectively, so that the joint parts between said inlet side and outlet side manifolds and said flow tubes that serve as vibration fulcrums (col. 5, lines 60-64), can be isolated from said meter body and all structures connected thereto; wherein said inlet side manifold is smoothly curved from the inlet thereof (fig. 1), branching into two flow tubes while continuously reducing the total cross-sectional area of flow paths of said two flow tubes(fig. 2); and flow paths of said outlet side manifold are smoothly curved from the joint parts


Art Unit: 2855

thereof with said flow tubes, joining said flow paths while continuously increasing the total cross sectional area of said flow paths, and leading to a fluid outlet(fig. 3).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-0956 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.



cd/dickens  
September 22, 2001



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